

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

MAR 31 2020

DEPUTY CLERK
BY [Signature]
DEPUTY

JEROME ARELLANEZ
Institutional ID No: 2238106
Plaintiff,

v.

CAUSE NO: EP-19-CV-00187-FM

OFFICER RAUL MORALES ;
OFFICER SEBASTIAN CHAVEZ

DEFENDANTS.

"Plaintiff's Opposition to Defendants
motion to Dismiss"

To the Honorable Judge of said Court:

Comes now Plaintiff, JEROME ARELLANEZ in Pro-Se and FILE this, his motion in opposition to Defendant's motion to Dismiss Plaintiff's First Amended Complaint.

I. motion in opposition

1. Defendant OFFICER Raul Morales pursuant to doctrine of qualified immunity should be dismissed as to Plaintiff's JEROME ARELLANEZ First Amended Complaint has sufficiently state a claim, as required by Fed. R. Civ. P. 8 and 12(b)(6), and the United States Supreme Court's decisions in *District of Columbia v. Wesby*, 138 S. Ct. 577, 589 (2018).

I. I. Brief in Support

A. Introduction:

2. Plaintiff Jerame Arallamez, here by submits its opposition to Defendant's motion to dismiss the Complaint. The Plaintiff Jerame Arallamez Complaint not only meets but exceeds the standards governing the form of a complaint as required by Federal Rule of Civil Procedure 8. Specifically, this Court has personal jurisdiction over the Defendant (Officer Raul Morales), and the complaint sufficiently alleges causation and harm. Accordingly Defendant (Officer Raul Morales) motion should be denied.

3. Argument:

Plaintiff Jerame Arallamez alleges that Defendant (Officer Raul Morales) used excessive use of force while the Plaintiff was in compliance with said search and arrest procedure. The video footage will clearly show that Defendant (Officer Raul Morales) was in violation of Plaintiff (Jerame Arallamez) constitutional rights to be free from cruel and unusual punishment. Plaintiff is seeking relief in the form of money damages due to Defendant (Officer Raul Morales) excessive use of

Retina detachment causing permanent blindness in the Plaintiffs (Jenane Aruillonez) Right Eye.

III. Conclusion

4. For the foregoing reasons and all the others discussed in Plaintiff's Complaint, the present motion to Dismiss should be denied.

CERTIFICATE OF SERVICE

I CERTIFY UNDER PENALTY OF PERJURY
THAT I SERVED A TRUE AND CORRECT
COPY OF THE ATTACHED 1ST 'HIDDEN RULE'
LETTER BY PLACING IT IN THE U.S. MAIL
POSTAGE PRE-PAID AND PROPERLY ADDRESSED
TO;

CLERK, U.S. OF THE DISTRICT
WESTERN DISTRICT OF TEXAS
UNITED STATES COURTHOUSE
525 MCKOFFIN AVE, ROOM 105
EL PASO, TEXAS 79901

ON THE 25, DAY OF MARCH 2020

By J. Amf
JEROME LFE ARELLANES
Institutional ID No: 2038106
986 County Road A.A
PLAINVIEW, TX 79072
Plaintiff PRO-SE

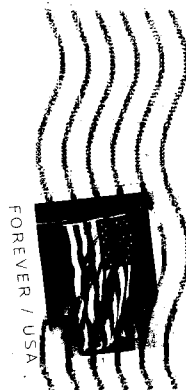
2238106

Jeffery Williams
5901 3257B
Amarillo, TX 79101

Leg

FILED
JPM

AMARILLO TX 791
27 MAR 2020 PM 11



CLERK, U.S. OF THE DISTRICT
WESTERN DISTRICT OF TEXAS
UNITED STATES COURTHOUSE
525 WILSON AVE. ROOM 105
EL PASO, TX 79901

799013257B

